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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-second session

SUMMARY RECORD OF THE 1246th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 2 March 1998, at 3 p.m.

Chairman: Mr. ABOUL-NASR

later: Mr. YUTZIS

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GE.98-15423 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7)

Fourteenth periodic report of the Russian Federation (CERD/C/299/Add.15)

1. At the invitation of the Chairman, Mr. Abdulatipov, Mr. Shahray, Mr. Zorin, Mr. Kehlerov, Mr. Tsagolov, Mr. Chtcherbak, Mr. Ramishvili and Mr. Tarasov (Russian Federation) took places at the Committee table.

2. Mr. ABDULATIPOV (Russian Federation), introducing the fourteenth periodic report of the Russian Federation (CERD/C/299/Add.15), said that his Government was striving to put into practice the principle enshrined in the Universal Declaration that all human beings were born free and equal in dignity and rights, which was of great importance for a multinational country like Russia. There had been ethnic discrimination against individuals and sometimes even against whole peoples in his country's recent past. The proclamation of democracy had freed the energies of peoples, and ensuring that such forces were used creatively was not an easy matter. His delegation would endeavour to reply to the comments made by members during consideration of the previous report in the course of the current dialogue.

3. The previous year had been one of political stabilization. Much had been done to integrate the main political forces in the political process and to reduce the influence of extremists. While considerable progress had been made in establishing democratic relations between nationalities on a firm legal footing, legislation passed on relations between nationalities had been insufficient, and 86 of the 270 laws approved by the Parliament had been vetoed by the President. Administrative law had not yet been subject to review, leaving a considerable task ahead.

4. The Committee had stressed the need to strengthen the judicial system. There had in fact been a fundamental change in that area. The current budget provided for a 50 per cent increase in allocations to the judiciary. Control of budget allocations would fall to a specially created judicial body coming under the Supreme Court. Legislation had also been passed on the police and judicial services. In another important decision, control of the prison system had been transferred from the Ministry of the Interior to the Ministry of Justice.

5. The prohibition of racial discrimination and the protection of the equal rights of citizens irrespective of nationality, language or religion were essential for Russia's existence as a multinational, multi-faith and multicultural State with 176 nationalities and ethnic groups. Only the federalist form of government, securely anchored in the Russian Constitution, could ensure cultural and political autonomy for Russia's nationalities in keeping with the constitutional precepts of equality and the self-determination of peoples and respect for the national integrity and territorial inviolability of the Russian Federation as a whole.

6. Measures were being taken to ensure balanced economic development in the various regions of the country and the same standards of social services for everyone regardless of nationality or territory of residence. President Yeltsin had recently reiterated the emphasis on the independent development and autonomous powers of the regions. Availing themselves of those powers, a number of republics and autonomous regions had adopted legislation guaranteeing the rights of national minorities and indigenous and small ethnic groups which even went beyond federal measures and contained special provisions preserving the distinctive culture of the peoples living in their territories and their right to remain in their traditional settlement areas and create their own autonomous cultural associations. Such provisions were clearly specified in the Constitutions of Buryatia, Bashkortostan, Dagestan, Komi, the Khanty-Mansi Autonomous Area and a number of other constituent entities of the Russian Federation. An unprecedented effort was under way to protect individual rights and freedoms irrespective of nationality, thereby complying with the Committee's recommendation at regional and local levels.

7. Decree No. 909, promulgated on 15 June 1996, had set priorities in the area of relations among the nationalities and coordinated the adoption of legislation at all levels. The National Cultural Autonomy Act, which had entered into force on 17 June 1996, guaranteed the cultural rights of citizens irrespective of place of residence and the right of national minorities to cultural autonomy. The period under consideration had witnessed the creation of 32 regional and 64 local cultural autonomous entities, as well as 2 at federal level, the "Russian Germans" and the "Russian Ukrainians". In 1998, a federal social, economic and cultural assistance programme was to be launched on behalf of the Russian Germans, funded jointly by the Russian Federation and Germany. Pursuant to article 7 of the Act of 18 December 1996, an Advisory Council for National Cultural Autonomy had been set up within the Russian Government. A number of health, social services, educational, cultural, development and environmental programmes, some of them referred to in paragraph 59 of the country report, were being implemented to support the small indigenous peoples of the Russian North.

8. On 1 January 1997, the Russian Federation's new Penal Code had entered into force, radically changing the relevant articles on criminal responsibility for all forms of discrimination. Article 63 of the Code provided that crimes which had motives of national, racial or religious hatred or enmity were punishable by law. The crime of genocide had been included in the Code for the first time (article 357). Activities aimed at fomenting national, racial or religious hatred or propagating exclusion, superiority or inferiority of citizens for reasons of national or racial origin had also been made criminal offences (article 282). In 1997, 21 persons had been charged with committing such offences; 8 had been convicted and sentenced.

9. Legislation prohibiting fascist propaganda was close to completion, the State Duma of the National Assembly having approved in second reading a bill to that effect in March 1997. A committee responsible to the President of the Russian Federation had been set up to halt the spread of racism, racial discrimination, xenophobia and anti-Semitism. Steps were being taken to put an end to discriminatory practices by local authorities directed against persons of other nationalities, especially in connection with recruitment.

Since the presentation of the previous country report, four decisions had been taken by the Constitutional Court relating to freedom of movement and rules governing registration at temporary and permanent places of residence. All such restrictions on the rights of citizens had been lifted. The residence permit (propiska) system had been abolished. A recent decision of the Court had liberalized the rules on registration, including for refugees.

10. Concerning the tragic problem of Chechnya, the federal authorities were pursuing their efforts to promote the peace process and to find a political solution to existing problems in a spirit of flexibility, restraint and willingness to compromise. As early as 1993, the Government had signed a protocol with the Chechen Parliament on the delimitation of powers and a special status for the Chechen Republic. Unfortunately, after signing the protocol, the Parliament had been dissolved by President Dudaev, and the agreements had not been honoured. His Government was currently proposing a twofold compromise solution offering Chechnya the broadest possible autonomous status, with the Russian Federation losing a minimum of sovereignty. It was unfortunate that the sole proposal by the Chechen leadership had been nothing less than full separation from the Federation. Moscow sought peace, whereas the Chechen leadership continued to talk about victory.

11. Parallel to the negotiating process, a number of programmes were under way for reviving the economy and normalizing life in Chechnya. A State commission to rebuild the Chechen Republic had been set up. An interim interdepartmental commission of the Russian Federation Security Council had been created for the development of the Chechen Republic and normalization of the situation in the North Caucasus region. A number of government social and economic programmes were being implemented in Chechnya. An agreement had recently been reached on the payment of pensions and subsidies in Chechnya until the end of the year. President Yeltsin had issued a special decree to ensure employment for refugees, including Chechens, from Chechnya. But any solution to the Chechen problem required time and patience.

12. Given the short period involved, the progress made in Russia along the path to democracy had been considerable. National legislation and practice in the field of human rights protection were moving closer to international standards, as evidenced by the ratification by the Russian Parliament on 20 February 1997 of the European Convention on Human Rights and the European Convention for the Prevention of Torture. His Government would also be giving consideration to the European conventions on minorities and local self-government. Russia's problems could only be resolved by strengthening democracy and the rule of law and by protecting the rights of all people, irrespective of their nationality. His delegation was convinced that an open and constructive dialogue with the Committee would help the Russian Federation in achieving the high standards enshrined in the Convention, and it was prepared to reply in depth to any questions which members might wish to ask.

13. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that the report had taken into account a number of the points raised in the Committee's concluding observations on the previous report. The Committee should proceed on the basic assumption that Russia was a democratic federal State based on the rule of law. He appreciated the information provided on the ethnic make-up of the population of a country with so broad an ethnic and cultural composition and

such a variety of minorities, but asked what criterion had served as a basis for the ethnic classification set out in Annex I. In some cases, it seemed that no distinction was made between the concept of ethnicity or ethnic origin and that of national group, as could be seen by the reference to Latvians, Cubans, Slovaks, Italians, Americans and so on. Were the latter considered to be ethnic groups? Could the Russian delegation further comment as to why a distinction was apparently made between asylum seekers from the Baltic countries and the Commonwealth of Independent States, and those from elsewhere?

14. He drew attention to the consequences for the population, notably the institutional vacuum and unemployment, of the recent political changes, a matter already raised by the Committee against Torture.

15. The Committee appreciated the fact that the Russian Constitution established an adequate legal framework for the enjoyment of political, social and economic rights. Article 55 of that instrument stated that the enumeration in the Constitution of basic rights and freedoms should not be interpreted as a denial or diminution of other universally recognized human and civil rights and freedoms. However, it must be reiterated that, as had already been acknowledged by the delegation during the presentation of the previous report (CERD/C/SR. 1133, para. 5), Russian legislation still lacked a specific definition of racial discrimination. Likewise, Mr. Wolfrum, the previous Country Rapporteur, had already noted that article 19, paragraph 2, of the Russian Constitution contained a provision whose scope was narrower than article 1 of the Convention, because it referred only to equality of rights. The same point had been made in paragraph 137 of the Committee's concluding observations (A/51/18), which had also found that the legislation necessary for the implementation of article 19 of the Constitution had not been adopted or effectively implemented.

16. Although Russian legislation did not strictly follow the wording of article 4 of the Convention, it contained a general framework which to some extent facilitated its application; nevertheless, as pointed out in paragraph 150 of the concluding observations, the Government had failed to take concrete and appropriate measures to outlaw and combat all organizations and political groups and their respective activities that promoted racist ideas or objectives. He asked whether cases other than that involving the Nazi terrorist "Werewolf Legion" could be cited in which charges had been brought for fomenting national hatred, how the courts had applied the legislation in force at the time and how Russian society had reacted to the sentences imposed.

17. Under the new Penal Code, which had entered into force on 1 January 1997, having motives of national, racial or religious hatred or enmity was an aggravating circumstance in cases of homicide, infliction of grievous bodily harm, torture, etc., but did not constitute a separate offence, as required by article 4 of the Convention. Moreover, notwithstanding the wide scope of article 282 of the new Penal Code, which sought to protect the constitutional order and State security, it seemed that certain offences referred to in paragraphs 1 and 2 of the article would not be punishable under the article unless they specifically involved efforts to

arouse national or racial hatred or hostility or to demean national worth or honour. He asked the delegation to comment on that interpretation and to expand on the concepts of constitutional order and State security.

18. Although considerable progress had been made in legislative reform, he recommended that the State party should review the extent to which its legislation was consistent with its obligations under the Convention. He commended the inclusion of article 347 on the crime of genocide in the new Penal Code and the legislative work undertaken to ensure equality and non-discrimination, as described in paragraph 24 of the report.

19. With reference to the right to nationality, it had been reported that many refugees both from other countries in the Commonwealth of Independent States and from further afield had restricted access to citizenship. Refugees or applicants for asylum residing in hostels and other accommodation centres were registered on a temporary basis and reportedly denied the opportunity to apply for citizenship. In particular, he inquired about the status of some 1,500 Azerbaijani refugees who had been resident in Moscow since 1990.

20. While progress in Russia's policy on nationalities was to be welcomed, the existing legal norms were still inadequate. He noted that the draft plan of action for implementation of the Outline of Russian State Policy on Nationalities covered such important provisions as the drafting of specific legislation, measures to stabilize the ethno-political situation in the country and in individual regions, action to deal with the aftermath of conflicts, notably in the Chechen Republic, and publicity for the action plan. He inquired about progress in implementing the draft plan of action.

21. He also asked for further information about the parliamentary hearings of the Committee on Nationalities, particularly those relating to the Ossete-Ingush and Chechen conflicts, and the results of its work on draft legislation to outlaw all forms of racial discrimination.

22. He welcomed the entry into force of the National Cultural Autonomy Act designed to ensure de facto equality of all ethnic communities and to offer them guarantees of cultural autonomy, and the establishment of an Advisory Council on National Cultural Autonomy to promote interaction between the State and the communities concerned. He asked for additional details regarding the Committee's functioning and achievements.

23. Stressing the need for more resolute action to protect ethnic minorities, he noted that such minorities, including the Roma, in the Caucasus and Central Asia had frequently been subjected to discrimination and human rights violations, even by those responsible for their protection. In the wake of acts of violence against Meskhet Turks in Central Asia in June 1988, 50,000 members of that community had been evacuated to other regions. Most of those currently living in Krasnodar Territory in southern Russia had allegedly been denied long-term residence permits and were not permitted to apply for citizenship.

24. When the Committee had considered the twelfth and thirteenth periodic reports, a member of the Russian delegation had referred to a special body responsible for implementing State socio-economic development and educational

programmes on behalf of the peoples of the Russian North. Local communities had also reportedly been created to preserve the culture of the Buryats in Siberia, the Tatars and Bashkiris in the Urals and the Evens, Evenks, Tofalars and Chukchi in the North. He asked for a progress report on those measures.

25. In its concluding observations on the twelfth and thirteenth periodic reports (A/51/18), the Committee had expressed concern at the increase in racist positions associated with nationalist movements and certain political parties. Noting that in February 1997 the State Duma had passed in second reading a federal bill banning the propagation of fascism, he inquired about the date of entry into force of the act and requested a copy of the text in order to assess its compatibility with the provisions of article 4 of the Convention.

26. Referring to special order No. 8 of 31 October 1995, according to which the norms laid down in an international treaty to which the Russian Federation was a party took precedence over national legislation, he asked whether that principle had been applied in specific cases before the courts.

27. He noted that the Government Prosecutor's Office was taking the Russian Federation's obligations under the Convention with the requisite seriousness and requested further information with a view to assessing the scope of its activities.

28. He commended the judicial reform measures described in paragraphs 43 to 47 of the report and asked for a copy of the relevant provisions of the Judicial System Act which had entered into force in December 1996. The training programmes for judges in matters relating to the exercise of citizens' rights and freedoms should include information on the obligations of the Russian Federation under the Convention. Similar training should be provided for law enforcement officers, given the frequent reports of blatant human rights violations by such personnel. Citizens of non-Slav origin or appearance were allegedly subjected to frequent identity checks in Moscow, sometimes even two or three times a day, and to the payment of fines, brief periods of detention and even ill-treatment by the police. There were substantial residence charges for even very brief stays in Moscow. He asked the delegation to comment on those allegations.

29. Referring to the Commissioner for Human Rights mentioned in paragraph 50 of the core document (HRI/CORE/1/Add.52/Rev.1) and to the appointment to that post of Mr. S. Kovalev, he requested further information regarding his functions and the action he had taken, particularly in cases involving racial discrimination.

30. References in the report to the sentencing of guilty parties in racial discrimination cases were appreciated by the Committee, but more information would be welcome on measures to counter racist propaganda such as the punishment and disbanding of organizations that engaged in the promotion of racial hatred or incitement to violence, in particular the National Republican Party. He also asked the delegation to comment on reports of anti-Semitic statements and publications.

31. With regard to the situation in the Chechen Republic described in Annex III to the report, he conceded that some aspects of the situation lay outside the Committee's scope, but submitted that all aspects were interconnected and had implications for the protection of human rights, particularly those covered by the Convention, inasmuch as obligations towards groups characterized by their ethnic or national origin had not been honoured. The Russian Federation was a State governed by the rule of law and democratic principles. Chechnya was no longer in a state of armed conflict. The current peace process must focus on normalization, chiefly through economic, social and political measures, with a view to creating a climate of mutual trust and security conducive to respect for human rights. According to Annex III, serious human rights violations were still being perpetrated. They were being committed on both sides. Some 140,000 people were reported to have emigrated, claiming they could no longer live in the Republic. Amnesty International reported indiscriminate killings of civilians, detention without trial, torture, ill-treatment and extrajudicial executions. It had received reports that armed Chechen opposition groups had been responsible for deliberate and arbitrary killings, torture, ill-treatment of prisoners and hostage-taking. The Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions was concerned about the impunity enjoyed by those responsible for the human rights and international humanitarian law violations committed in the context of the conflict (E/CN.4/1997/60/Add.1). In the light of those allegations, the Committee reiterated its request to the competent authorities of the Russian Federation and the Chechen Republic to take urgent steps to remedy the existing state of affairs.

32. Referring to the concern previously expressed by the Committee in its concluding observations, he requested further information on the conflict between Ingushetia and Ossetia.

33. The information provided on article 7 of the Convention was inadequate in view of the article's wide scope in the area of education, culture, information and promotion of understanding and tolerance between different social strata. While welcoming the tendency for ethnic schools providing instruction in the ethnic language to expand in areas with a sizeable non-native population and the adoption of language laws in republics such as Khakassia, Buryatia and Tatarstan that proclaimed the right of national minorities and small national groups to use their mother tongue (CERD/C/263/Add.9), he urged the State party to take further action in that regard, reporting on progress to the Committee.

34. Referring to paragraph 54 of the core document, he asked for more details on the reproduction of the texts of international instruments in official publications and the dissemination of the Convention in Russian and other widely spoken national languages. In that connection, he drew attention to paragraph 158 of the Committee's concluding observations (A/51/18) concerning dissemination of the periodic report and concluding observations and the need to publicize the procedure of individual communications under article 14. He also asked for more details about the establishment of human rights departments in a number of institutes referred to in the core document.

35. Mr. van BOVEN, commenting on the great diversity of the Russian Federation in terms of nationalities, ethnic groups and minorities, said that the changeover from a tendency in the past to think solely in terms of political blocs involved a major and highly stimulating learning process. The Convention was of crucial importance to so diverse a country as a means of combating prejudice and discrimination and also for confidence-building. He welcomed the Russian authorities' obvious determination to report regularly to the Committee. However, he was not entirely satisfied with the structure of the report, drawing attention to the Committee's recommendation in the previous concluding observations that the next periodic report should be a comprehensive one and that all concerns expressed in the observations should be addressed. Moreover, the report was not in conformity with the article-by-article approach recommended in the reporting guidelines. He had been unable to determine the extent to which the new Penal Code met the requirements of article 4 of the Convention. There was very little information about article 6 concerning redress for victims and reparations for damages and article 7 concerning teaching, culture and information.

36. The report claimed that account had been taken of the concluding observations but in fact a selective approach had been adopted. He was unable to see any follow-up to the recommendation in paragraph 149 of the concluding observations regarding measures to ensure the development and protection of less developed groups within the Federation. The same applied to paragraph 150, which strongly recommended that action should be taken to outlaw and combat organizations and political groups that promoted racist ideas or objectives, and to paragraph 151 concerning the abolition of the permit system. The report had not provided the type of information requested in paragraph 156 on complaints and court cases related to racial discrimination and the decisions and judgements handed down. The Committee had also recommended that the State party should ratify the amendments to article 8, paragraph 6, of the Convention.

37. He was grateful for the information in Annex III and the oral presentation regarding the situation in the Chechen Republic, but was concerned about the patterns of impunity referred to by the Special Rapporteur on extrajudicial, summary or arbitrary executions. As the delegation had correctly noted, a long process of healing and reconciliation was necessary but Annex III seemed to divide the parties involved into the "good" Russians and the "bad" Chechens. In so doing, it failed to reflect the spirit of article 7 of the Convention. In connection with the situation in the Chechen Republic, he drew attention to the Committee's General Recommendation XXI on the right to self-determination, which clearly expressed the view that international law had not recognized a general right of peoples unilaterally to declare secession from a State, and wished to make it clear that when the Committee raised issues of an ethnic nature, it was against the background of that view.

38. Mr. Yutzis took the Chair.

39. Mrs. SADIO ALI said it was important to recognize the difficulties the Russian Federation was facing as a multi-ethnic and multicultural society. It had made strides in the political sphere, but in terms of economic growth, a good deal of work lay ahead. Russian reforms had affected children most and

they were increasingly at risk, as could be seen from the reports of widespread homelessness, domestic violence, suicide, ill-health, placement of children, including those with living parents, in orphanages, juvenile crime and child abuse. The root problem was the post-Soviet breakdown of families under the impact of poverty and shifting social mores. President Yeltsin had recently acknowledged that market reforms had hit children particularly hard and had promised to take action. She requested details of the programmes initiated.

40. Information was also needed on the "fifth line" in internal passports identifying a citizen's origin. Several Russian ethnic republics had demanded its reinstatement, while the Jewish community had hailed its abolition. According to article 26 of the Constitution, every citizen had the right to determine his State nationality. The issue seemed to be complicated: the Tatarstan Constitution, for example, envisaged both Tatar and Russian citizenship for its population.

41. She asked for clarification of the claim that minority languages were under the protection of the State as national property. It was reported that State schools offering instruction in the indigenous mother tongue were rare and that parents had been prompted to send their children to schools where only Russian was spoken. That was regrettable, considering the importance minorities attached to their languages.

42. What impact had oil development had on the traditional way of life of the Eastern Khants, who were subsistence hunters and fishermen? Oil extraction was now reportedly threatening their culture. Was there any Government strategy for the conservation of the land and culture of the Yugan Khanty biosphere reserve? Legislation on the legal status of the indigenous peoples of the North had been proposed in the Duma but rejected by Parliament, as well as by the President. Had those peoples received any form of compensation for the lands that had been taken away? It was reported that the social and demographic situation of the indigenous peoples of the North and of the Russian Far East continued to deteriorate; one of five unemployed in Russia was resident in the North, and half of all unpaid salaries was owed to northerners. According to paragraph 59 of the report, small ethnic groups were to receive special attention. What was the nature of that attention?

43. She also wished to know about the relationship between the Russian Federation and its constituent ethnically based republics. In what respect did the 1993 Constitution of the Republic of Tuva differ from that of the Federation? Were the Russian inhabitants of Tuva, who accounted for 32 per cent of the population, among those who had opted for the new Constitution? What was the language policy? Did they have greater economic and political independence? More information should also be provided about the case of the Republic of Tatarstan, which had refused to disband itself and had signed a treaty with President Yeltsin ceding extensive powers to the Republic and allowing it to retain its own Constitution.

44. Why had so many of the ethnic republics suspended Presidential Decree No. 1.400 on their territories and voted against acceptance of the Russian Constitution? Most of them had adopted their own Constitutions claiming supremacy over federal law. Was it true that Chechnya had taken steps to

underscore its separate identity by replacing the Russian legal code with Islamic Sharia law? Russia's new Religion Bill seemed to violate the Constitution, as it asked all religious bodies to register with the authorities by 1999. Why had the State Party delayed in ratifying International Labour Organization Convention No. 169?

45. Mr. DIACONU said the Russian Federation was unique on account of its multicultural and multi-ethnic nature as well as its size and social organization. It was a country in transition, with institutions and legislation proper to a democratic system and a stabilized market economy, but there were some remaining influences and mentalities of a centralized system and it faced both legislative and administrative problems of coordination. That was why more factual information was needed on the situation of people of different nationalities in the State party and on their access to public life, economic and social benefits, culture and education. The State party was one of the few to have actually taken measures in response to the Committee's recommendations, examples being the National Cultural Autonomy Act and measures to strengthen the independence of the judiciary. There was also a policy for dealing with problems between different nationalities, as well as special development programmes for ethnic groups, as outlined in paragraphs 48 to 52 of the report. In some regions, however, such programmes were coming too late, and were aimed at stabilizing the situation in the aftermath of conflicts, such as in North Ossetia/Alania and Ingushetia. Experience in Chechnya demonstrated that such measures should be implemented before the conflicts, in order to prevent them, and not afterwards, to repair the damage.

46. Both the report and national legislation used different terms, such as "nationalities", "minorities" and "ethnic groups". What were the criteria for distinguishing between them? Did they involve numbers, legal systems, the status of subject of the Federation, or autonomy? How were those groups recognized or formed, especially with regard to the individual right of each person to determine and state his or her national identity, under article 26 of the Constitution?

47. He was puzzled by some of the statistics in Annex I of the report, which sometimes listed a single nationality under several headings. For example, it listed Tatars, Crimean Tatars and Crimeans. If Crimeans were not Tatars and not Ukrainians, then what were they? Jews were mentioned once generally, and then again as Central Asian Jews and as Mountain Jews. What was the difference in language, religion, culture and ethnic background between Karelians, Saami, Eskimos and peoples of the North? Why were they sometimes counted by region and not on the basis of their ethnic characteristics? The special law to be adopted in anticipation of the November 1999 census should perhaps take account of new data and the individual will of the population.

48. According to the annex, there were about 153,000 Gypsies in the Federation. That was not a large minority, but throughout Europe the Gypsies were confronted with many difficulties, and more information would be appreciated. Legislation allowed State authorities to take measures against

individuals inciting racism. Did such cases occur, and if so, how were they resolved? What measures were taken when orders were issued to limit citizens' rights on ethnic grounds, as mentioned in paragraph 40? The next report should contain more specific information on manifestations by members of extremist organizations (paragraph 42), which were supposed to be prohibited under the Convention.

49. Mr. de GOUTTES said that the regular submission of periodic reports showed a commendable will for dialogue; many States parties did not submit their reports as promptly. The fourteenth report was an updating one, which perhaps explained its brevity. He welcomed the State party's declaration under article 14 of the Convention, which had so far been made by only 25 States parties. The Russian Federation was also encouraged to accept individual communications under the European Convention on Human Rights, as the two procedures were complementary. What were the prospects of that document being ratified?

50. Paragraphs 17 et seq. of the report provided only limited information on the application of the new Penal Code. Statistics, specific information and practical examples were needed regarding complaints, prosecutions, cases, decisions and reparations in order to assess the extent to which the victims of racism were protected. The Committee had previously expressed concern over the increase in racist positions associated with nationalist movements, racist attitudes towards Caucasians, especially Chechens, and expressions of anti-Semitism.

51. In becoming a member of the Council of Europe, Russia had decided to suspend all executions, with the intention of abolishing capital punishment within three years. However, according to Amnesty International and other sources, executions were still being carried out. Was that true?

52. The Government Prosecutor's Office was supposed to check on compliance with laws banning discrimination. According to paragraph 40, checks had been made on the registration of political parties and public organizations and the consistency of their activities with their objectives. Could other examples be provided of investigations and measures taken against parties or organizations that manifested racist tendencies?

53. The Committee had welcomed the establishment of a special commission on human rights in 1993. Since then, however, Amnesty International had reported that the head of the commission, along with several members, had resigned. What was the status of both the commission and its head? What had been done in response to the Committee's recommendations that judges, lawyers and magistrates should be trained in human rights and in interracial and interethnic understanding and that such training should also be provided to law enforcement personnel and the military?

54. Mr. Aboul-Nasr resumed the Chair.

55. Mr. GARVALOV said he was impressed by the frank admission in the report about the situation in Chechnya. He also welcomed the detailed statistics on the ethnic and linguistic composition of the population; no other State party had done as much. The new legislation enacted since 1996 was also impressive;

the text of national minorities legislation should be made available to Committee members. The Committee dealt cautiously with the problem of minorities, and its approach to that problem varied with each State party.

56. The report failed to follow the Committee's reporting guidelines, as had the previous two reports. Insufficient information had been given on specific cases of litigation concerning racial discrimination. In such cases, what sentences had been handed down and how had they been followed up?

57. If the Chechens wished to secede, he wondered how they would be convinced not to do so. The Russian Federation was on record as not allowing unilateral secession. The Committee, too, in its General Recommendation XXI, did not condone unilateral secession of ethnic or minority groups from a metropolitan State party. What would be the outcome? According to statistics from the 1989 census, 99 per cent of Chechens had said their mother tongue was that spoken in their region, unlike some other Russian ethnic groups, such as the Bulgarians, half of whom claimed their ethnic language as their mother tongue while the other half claimed Russian. He wondered whether that could be due to the fact that unlike Bulgarians, Chechens were largely concentrated in one particular territory. If that were the case, he would welcome information on measures to integrate dispersed peoples, such as the Bulgarians and Ukrainians. How, with regard to the Chechens, could the Federation fulfil its obligations under article 7 of the Convention to promote understanding and harmonization among racial or ethnic groups? More information should also be provided on implementation of article 7 of the Convention.

58. Mr. LECHUGA HEVIA said that he would like updated information on a number of points. He wondered whether he was right in thinking that although article 29, paragraph 2 of the Constitution prohibited discrimination of any kind in Russian society, it did not prohibit the existence of racist organizations as such or recognize participation in such organizations as an offence punishable by law as stipulated in article 4 of the Convention.

59. Paragraph 24 of the report referred to the State Duma Committee on Nationalities and its work on a host of federal laws. However, it failed to mention what the outcome of the Committee's work had been, when its work would come to fruition, if it had not already, or what the legislative measures would mean in practice. The same was true regarding the information given in paragraph 27.

60. The Committee would be pleased to know of any developments since the second reading of a federal bill banning the propagation of fascism in the Russian Federation, as mentioned in paragraph 35, the extent of the problem of fascist tendencies in the country and how they were being countered. Information should also be provided on the State bodies to combat fascism referred to in paragraph 41 of the report.

61. More precise details were needed on the reference in paragraph 52 of the report to the programme to deal with the aftermath of the Ingush-Ossete conflict and how those peoples were being rehabilitated psychologically.

62. What were the criminal and psychological pressures being brought to bear on Russian and Russian-speaking inhabitants of Chechnya and what was meant by the policy of "ethnic cleansing", referred to in paragraph 6 of annex III? Similarly, were authorities of the Chechen Republic or the Russian Federation responsible for preventing and dealing with the mass violations of human rights that were taking place in the Chechen Republic?

63. Mr. SHERIFIS applauded the size of the delegation of the Russian Federation and the regularity with which reports were submitted. The fourteenth periodic report, which should be seen as an updating report, had been complemented by the oral introduction, a copy of which might usefully be circulated to members of the Committee. The Russian Federation should be commended for having made the declaration under article 14 of the Convention. However, the Committee would be interested to know how and if the Government had taken measures to inform the public of the right of individual petition. Information would also be welcome as to whether the Russian Federation had initiated proceedings with regard to the amendments to article 8, paragraph 6 of the Convention on the financing of the Committee.

64. In respect of articles 5 (d) (i) and 5 (e) (i), he asked how far freedom of movement and residence was respected within the borders of the Russian Federation, how the unemployment situation stood and whether it was possible to provide a breakdown of figures on unemployment along ethnic lines.

65. Further information was needed on the situation of "ethnic cleansing", as referred to in paragraph 6 of Annex III. Was it true that "ethnic cleansing" amounted basically to harassment and intimidation or were more direct forms of violence involved? Paragraph 15 of the annex stated that 453,000 citizens of the Chechen Republic had left their homes between December 1994 and August 1996 and that roughly 270,000 civilian victims had been provided with temporary accommodation between August and September 1996. What had happened to the others? He drew the delegation's attention to the views expressed in the Committee's General Recommendation XXI (48) regarding the fragmentation of States.

66. Mr. SHAHI welcomed the multi-ethnic and multinational composition of the delegation of the Russian Federation and what that implied in terms of cooperation and dialogue with the Committee.

67. In November 1997, a Seminar on the Role of the Internet with regard to the Provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, organized by the High Commissioner for Human Rights, had recommended that the Committee should make reference to the Internet and its implications for spreading racist and extremist propaganda when considering the reports of States Parties.

68. The Seminar had recognized the technological difficulties involved in controlling information circulated on the Internet but had considered that the Convention applied as much to electronic media as to more traditional means of communication. He asked whether there were Websites in the Russian Federation devoted to extremist propaganda, how legislation there could be used to prevent that and if, in the absence of legislation, measures were envisaged to deal with the problem.

69. The CHAIRMAN asked whether the Internet could be controlled from within one particular country.

70. Mr. SHAHI said that leading service providers at the Seminar had recognized the difficulties involved in controlling information received from or circulated on the Internet. However, several countries had enacted legislation to prohibit racist propaganda on the Internet, providing for penal sanctions for nationals who were found to have circulated racist propaganda on the Internet, even when the Website was registered in another country, a ruse that was often used to disguise the source of the propaganda.

71. Mr. YUTZIS said that clarification was needed of the distinction between racist acts and efforts to incite racial hatred "committed in public or through the mass media" referred to in paragraph 19 of the report. The delegation should also give an idea of progress in the legislation mentioned in paragraphs 24 and 27 of the report and the schedule for implementation. He asked whether minority groups would be involved in implementing the legislation when it had been finalized.

72. He also asked what percentage of gross domestic product would be allocated to the range of measures referred to in section IV of the report, what sums would be involved and how resources would be allocated.

73. Information would be welcome on a problem that presumably continued to exist for the Russian Federation, inherited from the former Soviet Union, i.e. the requirement that people of Jewish origin who had emigrated to Israel had had to surrender their passports before they left. The absence of official documents meant that a return to the Soviet Union and, subsequently, the Russian Federation, had been and continued to be fraught with difficulties.

The meeting rose at 6.05 p.m.